

STATEMENT OF DELAYED FILING AND CERTIFICATE OF SERVICE

I, the undersigned, hereby state that on April 14, 2008, I attempted to file Defendant's **Answer and Affirmative Defenses to Class Action Complaint** with the Clerk of the Court using CM/ECF but was unable to gain access to the ECF "Login" page due to a technical difficulty with the Court's website. As a result, I served the foregoing document on the following counsel of record for Plaintiff by electronic mail:

Oren Giskan, Esq.
Giskan Solotaroff & Anderson LLP
11 Broadway – Suite 2150
New York, New York 10004

I hereby certify that on this 15th day of April 2008, I electronically filed Defendant's **Answer and Affirmative Defenses to Class Action Complaint** with the Clerk of the Court using CM/ECF. I also certify that the foregoing document has been served on April 15, 2008 on the following counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF:

Oren Giskan, Esq.
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/s/ Joseph A. Patella
Joseph A. Patella